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PILLSBURY WINTHROP, LLP			MOORE JR, MICHAEL J	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			2666	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. **09/719,589**

Applicant(s)

MUHONEN ET AL.

Examiner

Michael J. Moore, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-16,18-21 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10,14-16,18-21 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 4,5,12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 8/6/2004 has been entered.

### ***Claim Objections***

2. Claims **1, 2, 4-10, 12-16, 18-21, and 24-27** are objected to because of the following informalities:

Regarding claim **1**, on line 5, the word "the" before the word "same" should be "a". On line 6, the word "the" before the word "presentation" should be "a". Also, a semicolon is needed on line 6 after the word "contents". Lastly, on line 7, the word "to" after the word "condition" should be "at".

Regarding claims **2 and 4-9**, on line 1, the phrase "A method" should be "The method".

Regarding claim **4**, on line 3, the word "the" before "maximum" should be "a".

Regarding claim **5**, on line 2, the word "the" before "terminal" should be "a".

Regarding claim **8**, on line 4, the word "for" after the word "condition" should be "at".

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Regarding claim **10**, on line 16, the phrase “the instructions” should be “instructions”.

Regarding claims **12-15**, on line 1, the phrase “A system” should be “The system”.

Regarding claim **12**, on line 3, the word “the” before “maximum” should be “a”.

Regarding claim **13**, on line 4, the word “the” before “coding” is not needed.

Regarding claims **16, 18, and 19**, on line 1, the phrase “A message service center” should be “The message service center”.

Regarding claim **16**, on line 4, the word “the” before the word “same” should be “a”.

Regarding claim **20**, on line 7, the word “the” before the word “result” should be “a”.

Regarding claim **21**, on line 6, the word “the” before “same” should be “a”.

Regarding claims **24 and 25**, on line 1, the phrase “A method” should be “The method”.

Regarding claim **24**, on line 1, the word “the” before “same” should be “a”.

Regarding claims **26 and 27**, on line 1, the phrase “A mobile station” should be “The mobile station”. Also, it is believed that both claims **26 and 27** should depend on claim **21** rather than claim **24** to have proper antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 10 recites the limitation "said indication" in line 14. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 6-8, 10, 16, 19, 20, 21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (U.S. 6,421,707). The Miller et al. reference teaches all of the limitations of the listed claims with the reasoning that follows.

Regarding claim 1, "delivering messages of at least two different content types through a same message service center, the content types indicating a presentation of the message contents" is anticipated by the wireless multimedia messaging spoken of in column 1, lines 39-58 making use of the wireless data

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server service complex 101 (message service center) of Figure 1. "Determining at least one first condition at the message service center" and "checking from the message to be delivered to the terminal whether it meets the first condition" is anticipated by the filtering rules (conditions) defined by a user that determine how a particular message is to be processed as spoken of in column 2, line 65 – column 3, line 5. Lastly, "Delivering the message directly to the terminal, if it meets the first condition" and "informing the terminal about the message, if it does not meet the first condition, and delivering the message as a response to a message request concerning the message" is anticipated by the subscriber notification and message forwarding based on filtering rules spoken of in column 3, lines 2-5 as well as the example shown in Figure 5 where either SMS notification or message forwarding is carried out based on filtering criteria in the subject of the message as spoken of in column 6, lines 25-40.

Regarding claim 2, "wherein the message content indicates the presentation of the message contents which can include text, speech, images, video images or combinations thereof" is anticipated by the email 151, voicemail 152, fax 153, short message 154, and intranet module 155 inputs shown in Figure 1 that receive these types of messages from a user.

Regarding claim 6, "receiving a terminal property as a value associated with the first condition in the message service center and updating the value with a received value" is anticipated by the user defined rules (updated by the user) that determine how messages and their notification are to be treated as spoken of in column 4, lines 48-61.

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Regarding claim 7, “adding a recipient identifier to the message to provide information about the message to be sent to the terminal, the identifier enabling identification of the recipient of the message to be received and delivering the message only if the message request includes the recipient identifier associated with the message” is anticipated by the message address 401 (recipient identifier) shown in Figure 4a used for identification of the recipient and subsequent delivery to the recipient.

Regarding claim 8, “delivering messages from the message service center to the terminal using at least two different delivery routes” is anticipated by the multiple routes to user 301 from WDS 320 shown in Figure 3. “Determining at least a second condition at the message service center and selecting the delivery route for the message on the basis of the second condition” is anticipated by the alternate routing to user 301 from WDS 320 in Figure 3 based on whether the message is SMPP, TCP/IP, or voice traffic (second condition) as spoken of in column 4, lines 4-14.

Regarding claim 10, “A wireless telecommunications system comprising at least one terminal being able to receive messages of at least a first content type and a second content type, the content type indicating the presentation of the message contents” is anticipated by the wireless system shown in Figure 3 where messages of different types are communicated. “A message service center for transmitting messages of at least the first content type and the second content type between the at least one terminal and a second party, the message service center delivering the messages to the terminal as messages according to

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a first protocol" is anticipated by WDS 320 that delivers cellular/PCS SMS messages using the SMPP protocol shown in Figure 3. "The message service center is arranged to check before delivering the message to the terminal, whether the message meets at least one predetermined first condition" is anticipated by the filtering rules (conditions) defined by a user that determine how a particular message is to be processed as spoken of in column 2, line 65 – column 3, line 5.

"Deliver the message directly to the terminal or to inform the terminal about the message and to deliver the message in response to a message request concerning the message" is anticipated by the subscriber notification and message forwarding based on filtering rules spoken of in column 3, lines 2-5 as well as the example shown in Figure 5 where either SMS notification or message forwarding is carried out based on filtering criteria in the subject of the message as spoken of in column 6, lines 25-40. Lastly, "the terminal is arranged to receive an indication about the message, to inform the terminal user about the indication, and to send the message request concerning the message to the message service center as a response to instructions received from the user" is anticipated by the message notification to a subscriber and subscriber response spoken of in column 1, lines 48-58.

Regarding claim **20**, "A message service center connectable to a wireless telecommunications system" is anticipated by WDS 320 shown in Figure 3. "Interface means for receiving messages of at least two different content types and for forwarding to a terminal in a telecommunications system, the content



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types indicating a presentation of the message contents” is anticipated by input interface 150 of Figure 1, which contains an input interface for different types of messages as well as delivery interface 160, which contains output interfaces for different types of messages. Lastly, “application means for selecting the manner of delivery of the messages by checking whether the message meets at least one predetermined condition, and in response to a result of the check, to deliver the message directly to the terminal or to inform the terminal about the message and to deliver the message to the terminal as a response to a message request concerning the message” is anticipated by input filtering/forwarding means 110 in Figure 1, which uses user specified filtering rules to determine whether message forwarding or subscriber notification is carried out as spoken of in column 2, line 65 – column 3, line 5.

Regarding claim 16, “wherein the application means are arranged to deliver the messages addressed to the terminal and to receive the messages received from the terminal using a same protocol” is anticipated by WDS 320 that delivers cellular/PCS SMS messages using the SMPP protocol shown in Figure 3.

Regarding claim 19, “wherein the application means are arranged to select a delivery route for each message on the basis of a predetermined condition or predetermined conditions” is anticipated by the alternate routing to user 301 from WDS 320 in Figure 3 based on whether the message is SMPP, TCP/IP, or voice traffic (predetermined condition) as spoken of in column 4, lines 4-14.

Regarding claim **21**, “a user interface through which the mobile station user can receive messages of at least a first content type and a second content type, the content type indicating the presentation of the message contents” is anticipated by user interface 412 shown in Figure 4 that enables a user to receive multimedia messages. “A controller for receiving messages of at least the first content type and the second content type using a same protocol” is anticipated by modules 210, 220, 230, and 240 of Figure 2, which receive and manipulate multimedia messages. Lastly, “wherein the controller is capable of receiving an indication concerning a message waiting for delivery, transmitting the indication to the user through the user interface, sending a delivery request of the message in response to a user command received through the user interface and receiving the message as a response to the delivery request” is anticipated by the message notification to a subscriber and subscriber response spoken of in column 1, lines 48-58 as well as indicator 411 and user display 412 of Figure 4.

Regarding claim **24**, “employing a same protocol for the messages between the terminal and the message service center” is anticipated by WDS 320 that delivers cellular/PCS SMS messages using the SMPP protocol shown in Figure 3.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims **9, 14, 18, 25, 26, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. 6,421,707) in view of Ardalan et al. (U.S. 6,396,839).

Regarding claims **9 and 25**, Miller et al. teaches the method of claim 1. Miller et al. fails to teach the added feature of checking packet size and performing packet segmentation if necessary. However, Ardalan et al. teaches in column 3, lines 5-32 a method where a gateway checks packet size and segments the packet into smaller pieces if the packet is larger than the maximum allowable size. Each piece of the segmented packet is then transmitted individually. Once all segments have been transmitted successfully, the original packet is then recomposed. At the time of the invention, it would have been obvious to a person of ordinary skill in the art given these references to add this packet checking and segmentation feature of Ardalan et al. to the message

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delivery method of the Miller et al. reference. A motivation for doing so would be to allow packets larger than the maximum allowable size to be transmitted as described in column 3, lines 5-32 of the Ardalan et al. reference.

Regarding claim **14**, Miller et al. teaches the system of claim **10**. Miller et al. fails to teach the added feature of checking packet size and performing packet segmentation if necessary. However, Ardalan et al. teaches in column 3, lines 5-32 a method where a gateway checks packet size and segments the packet into smaller pieces if the packet is larger than the maximum allowable size. Each piece of the segmented packet is then transmitted individually. Once all segments have been transmitted successfully, the original packet is then recomposed. At the time of the invention, it would have been obvious to a person of ordinary skill in the art given these references to add this packet checking and segmentation feature of Ardalan et al. to the message delivery method of the Miller et al. reference. A motivation for doing so would be to allow packets larger than the maximum allowable size to be transmitted as described in column 3, lines 5-32 of the Ardalan et al. reference.

Regarding claim **18**, Miller et al. teaches the message service center of claim **20**. Miller et al. fails to teach the added feature of checking packet size and performing packet segmentation if necessary. However, Ardalan et al. teaches in column 3, lines 5-32 a method where a gateway checks packet size and segments the packet into smaller pieces if the packet is larger than the maximum allowable size. Each piece of the segmented packet is then transmitted individually. Once all segments have been transmitted successfully, the original

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packet is then recomposed. At the time of the invention, it would have been obvious to a person of ordinary skill in the art given these references to add this packet checking and segmentation feature of Ardalan et al. to the message delivery method of the Miller et al. reference. A motivation for doing so would be to allow packets larger than the maximum allowable size to be transmitted as described in column 3, lines 5-32 of the Ardalan et al. reference.

Regarding claims **26 and 27**, Miller et al. teaches the mobile station of claim **21**. Miller et al. fails to teach the added feature of checking packet size and performing packet segmentation if necessary. However, Ardalan et al. teaches in column 3, lines 5-32 a method where a gateway checks packet size and segments the packet into smaller pieces if the packet is larger than the maximum allowable size. Each piece of the segmented packet is then transmitted individually. Once all segments have been transmitted successfully, the original packet is then recomposed. At the time of the invention, it would have been obvious to a person of ordinary skill in the art given these references to add this packet checking and segmentation feature of Ardalan et al. to the message delivery method of the Miller et al. reference. A motivation for doing so would be to allow packets larger than the maximum allowable size to be transmitted as described in column 3, lines 5-32 of the Ardalan et al. reference.

11. Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. 6,421,707) in view of Ardalan et al. (U.S. 6,396,839) and in further view of Van Renesse et al. (U.S. 6,208,651).

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Miller et al. teaches the system of claim **10**. Miller et al. in view of Ardalan et al. teaches the system of claim **14**. Miller et al. in view of Ardalan et al. fails to teach the added limitation of the message service center having the capability of packing an unpacked message before the packet size check is carried out. However, Van Renesse et al. discloses a packer 20 in Figure 2 that is used to pack messages when a message backlog exists. At the time of the invention, it would have been obvious to a person of ordinary skill in the art given these references to add this message-packing feature of Van Renesse et al. to the message delivery system of Miller et al. in view of the Ardalan et al. reference. A motivation for doing so would be to significantly reduce the latency of individual messages as stated in column 9, lines 42-47 of the Van Renesse et al. reference.

***Allowable Subject Matter***

12. Claims **4, 5, 12, and 13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims **4 and 12**, the prior art of record teaches the method of claim **1** and the system of claim **10**, respectively. The prior art of record fails to teach that the first condition determines at least one of: the content type(s) of a message and the maximum message size of messages that are to be directly sent to a terminal.

Regarding claims **5 and 13**, these claims are further limiting to claims **4 and 12**, respectively, and are thus also allowable over the prior art of record.

***Response to Arguments***

14. Applicant's arguments with respect to claims **1, 2, 4-10, 12-16, 18-21 and 24-27** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fortman et al. (U.S. 5,987,100), Picard et al. (U.S. 6,233,318), Smith et al. (U.S. 6,333,973) and Hulen et al. (U.S. 5,497,373) are all references that contain material pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.  
Examiner  
Art Unit 2666

mjm MM



**FRANK DUONG**  
**PRIMARY EXAMINER**